

REMARKS/ARGUMENTS

Claims 1-16 have been cancelled without prejudice. Claim 17-33 have been added without introducing any new matter. Support for the added claims can be found in the specification, figures, and claims, as originally filed [MPEP 608.01(l)]. The foregoing amendments and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 112 Rejections

The Examiner objected to claims 9-10 and 14-16 under 35 U.S.C. § 112, first paragraph, stating the claims failed to comply with the written description requirement. Claims 9-10 and 14-16 have been cancelled. However, the Applicants submit that new claims 17-34 satisfy the requirements of 35 U.S.C. § 112, first paragraph.

The Examiner further objected to claims 9-10 and 14-16 under 35 U.S.C. § 112, second paragraph, stating the claims failed to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 9-10 and 14-16 have been cancelled. New claims 17-34 have been added to impart precision on what the Applicants claim as their invention. Therefore, the Applicants submit that new claims 17-34 satisfy the requirements of 35 U.S.C. § 112, second paragraph.

The Applicants have amended the specification and added new claims to more clearly describe the Applicants' invention. No new matter has been added.

35 U.S.C. § 102(e) Rejections

Examiner rejected claims 1-8 under 35 U.S.C. § 102(e) stating the claims were anticipated by U.S. Patent 6,513,109 (hereinafter "Gschwind"). The Applicants have cancelled claims 1-8. However, the Applicants submit that new claims 17-33 are not anticipated by Gschwind.

To anticipate a claim, a reference must disclose each and every element of the claim (MPEP § 2131). With regard to new claim 17, Gschwind does not disclose “dispatching a predicate instruction for execution before a predicate of the predicate instruction is resolved; [¶] dispatching subsequent instructions for execution before the predicate is resolved; and [¶] *stalling dispatch of a consumer instruction of the predicate instruction if the predicate remains unresolved*” (emphasis added).

The examiner argued that Gschwind discloses “executing predicate instructions out-of-order (col. 24, lines 8-21) and without waiting for the predicate to be resolved.” Furthermore, the examiner argued that Gschwind described consumer instructions that must wait for the results of predicate instructions (Office Action, page 4, paragraph 11). The Applicants disagree and submit that Gschwind does not describe “*stalling dispatch of a consumer instruction of the predicate instruction if the predicate remains unresolved.*”

Gschwind describes predicting a predicate value and executing instructions according to the predicted predicate value (Gschwind, Figure 6, units 610-620). Although Gschwind discusses consumer instructions, duplicates of the same consumer instruction receive the results of the predicted predicate instructions (Gschwind, column 23, lines 17-38). That is, Gschwind describes predicting the data dependencies of a consumer instruction and executing multiple copies of a predicate instruction. Then, each copy of the consumer instruction executes in a normal fashion because each possible variation of the predicate instruction is supplied to the duplicate consumer instructions. When the predicate instruction is resolved, the consumer instruction that executed the correct predicate prediction is selected.

As a result, the dispatch of consumer instructions is not *stalled*, as claimed by the Applicants in claim 17. Therefore, Gschwind fails to describe each and every element as claimed by the applicants.

Accordingly, Applicants respectfully submit that the invention claimed in new claim 17 is not anticipated by Gschwind under 35 U.S.C. § 102(e) for at least the reasons discussed above.

Claims 18-21 depend, directly or indirectly, on claim 17. Since claim 17 is not anticipated, claims 18-21 are also not anticipated by Gschwind under 35 U.S.C. § 102(e) for at least the same reasons. Applicants respectfully request withdrawal of the rejections.

The Applicants respectfully submit that independent claims 22, 27, 31, and 32 contain similar language and features as allowable claim 17. Therefore, Applicants respectfully submit that for at least the same reasons that claim 17 was not anticipated by Gschwind under 35 U.S.C. § 102(e), claims 22, 27, 31, and 32 are also not anticipated by Gschwind under 35 U.S.C. § 102(e).

Claims 23-26, 28-30, and 33-34 depend, directly or indirectly, on independent claims 22, 27, and 32, respectively. For at least the same reasons discussed above with respect to claims 22, 27, and 32, claims 23-26, 28-30, and 33-34 are also not anticipated by Gschwind under 35 U.S.C. § 102(e).

#### 35 U.S.C. § 103(a) Rejections

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,513,109 (hereinafter "Gschwind"). The Applicants have cancelled claim 5. As discussed above, Gschwind fails to describe each and every element of the invention claimed by the applicants in new claims 17-34. Furthermore, there is no suggestion or motivation within Gschwind to describe each and every element as claimed

in claims 17-34. Therefore, the Applicants respectfully submit that claims 17-34 are nonobvious under 35 U.S.C. § 103(a) over Gschwind.

Examiner rejected claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Gschwind, in view of The Power PC 601 Microprocessor (hereinafter “Becker”). Claims 11-13 have been cancelled.

The applicants submit that Gschwind fails to disclose each and every element as claimed in claims 17-34, as discussed above. Furthermore, Becker discusses the architecture of a PowerPC 601 Microprocessor, but fails to describe predicate instructions. Thus, Becker also fails to disclose each and every element of the invention as claimed in new claims 17-34.

Since neither Gschwind nor Becker, alone or in combination, disclose or suggest each and every limitation of the invention, Applicants respectfully submit that new claims 17-34 are nonobvious under 35 U.S.C. § 103(a) over Gschwind, in view of Becker.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

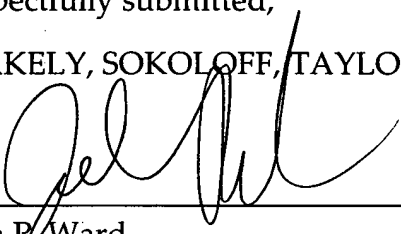
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: \_\_\_\_\_

7/26/09

  
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